

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SEVENSON ENVIRONMENTAL SERVICES, INC.,

Plaintiff,

v.

DECISION AND ORDER  
02-CV-0527A

SHAW ENVIRONMENTAL, INC.,

Defendant.

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Plaintiff Severson Environmental Services, Inc. ("Severson"), brought the instant patent infringement action against defendant Shaw Environmental, Inc. ("Shaw"), on July 23, 2002. On March 22, 2006, the Court granted summary judgment in favor of Shaw. Severson appealed. The Federal Circuit affirmed this Court's decision on February 21, 2007. See Severson Env't'l Servs., Inc. v. Shaw Env't'l, Inc., 477 F.3d 1361 (Fed. Cir. 2007).

On April 20, 2006, Shaw filed a Bill of Costs. On May 8, 2006, Severson filed objections to the Bill of Costs. On August 20, 2007, the Court filed a Decision and Order, granting in part and denying in part Severson's objections, and ordering Shaw to file an Amended Bill of Costs.

On August 21, 2007, Shaw filed an Amended Bill of Costs. On September 11, 2007, Severson filed objections to the Amended Bill of Costs.

Shaw filed a response to the objections on September 21, 2007.

After reviewing Severson's objections and Shaw's response thereto, the Court grants the objections with regard to the following costs: (1) \$20 with regard to the ASC II and condensed transcript of the McDermott transcript; (2) \$10 with regard to the ASC II transcript of the Martin deposition; and (3) \$20 with regard to the ASC II transcript of the Pal deposition. The remainder of Severson's objections are denied because either: (1) they should have been raised in Severson's first set of objections and are therefore untimely; or (2) they were already decided by the Court's Decision and Order of August 20, 2007.

Accordingly, the Clerk of Court shall tax costs against Severson in the amount of \$51,978.71.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: October 29, 2007